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Book Reviews

CRIMINAL JUSTICE IN CLEVELAND. Report of the Cleveland Foundation. Survey of The Administration of Criminal Justice in Cleveland, Ohio. By Raymond Fosdick and others. Directed and Edited by Roscoe Pound and Felix Frankfurter. The Cleveland Foundation, Cleveland, Ohio, 1922, pp. xxvii, 729.

AN OUTLINE OF THE CLEVELAND CRIME SURVEY. By Raymond Moley. The Cleveland Foundation, Cleveland, Ohio, pp. viii, 64.

A book like this is the despair of a reviewer. It is so chock full of good material that one cannot even summarize it in a review. The best advice to those interested in the subject, and everyone ought to be, is to get the book and read it or, if time does not permit, read the outline which has been prepared.

The Cleveland Foundation, under the directorship of Raymond Moley, undertook a survey of criminal justice in Cleveland. The directors of the survey were Roscoe Pound and Felix Frankfurter. As Mr. Frankfurter says in his preface, "For some time previous to this survey Cleveland had been restive under a growing feeling of insecurity of life and property. The fifth largest city in the country entertained a wide-spread conviction of its failure in the most primitive function of government. In the spring of 1920 this feeling was brought to a head. An atrocious and sordid crime, implicating the chief judge of the city's municipal courts, stirred to action dormant civic pride. With rare self-restraint and self-knowledge the leaders of the community realized that the city had the feeling, but not the understanding, for action. They had the insight to realize that this sensational case was but symptomatic of deeper causes. In a word, a problem in social sanitation and social engineering was presented. Therefore, in the winter of 1920, a number of civic organizations, headed by the Cleveland Bar Association, requested the Cleveland Foundation to undertake a survey of the administration of criminal justice in Cleveland.

"Doubtless, to a considerable extent, the survey proved what was already suspected by many and known to a few. The point is that the survey proved it. Instead of speculation, we have demonstration."

The investigation was conducted by experts; Police Administration by Raymond B. Fosdick, Prosecution by Alfred Bettman, assisted by Howard F. Burns, The Criminal Courts by Reginald Heber Smith and Herbert B. Ehrmann, Correctional and Penal Treatment by Burdette G. Lewis, Medical Science and Criminal Justice by Herman M. Adler, Legal Education by the late Albert M. Kales, Newspapers and Criminal Justice by M. K. Wisheart, Criminal Justice and the American City by Roscoe Pound.

It is pointed out that the problem of Cleveland is not in all respects that of other American cities, but there is probably no large American city where similar conditions would not be recog-

nized. On the question of personnel in the Prosecutor's Office we read: "General opinion was expressed that the men in the prosecutor's offices are chosen for political reasons, and many asserted that in such choices the community suffers from the practice of deliberately giving the large racial or national groups of the community, such as the Poles, other Slavs, Jews, Italians, and Irish, representation in the prosecutor's offices. There can be no doubt there exists a lack of public confidence in the freedom of the office from political and other influences operating to bring fear or favor in the administration of the law." (p. 133), and "On the delicate subject of the ability of the members of the office, the same two prominent Democratic and Republican lawyers who had given their judgment upon the ability of the municipal prosecutors were consulted, and again their opinions were suprisingly similar. According to their judgment of the eight members of the force, one has exceptional trial ability, another is an able lawyer, a third has only fair ability as a lawyer, a fourth is a poor lawyer, while the remaining four have not sufficient experience or standing at the bar to enable their professional brothers to know or judge of their ability." (p. 167.)

In regard to judges we read, "More important in its effect on the bench than the tendency to respond occasionally to political influence is the bid for support which many judges make to different groups and factions in the city. This is almost entirely a new influence upon the judiciary. 'In order properly to play the game,' observes one of the more sophisticated judges, 'it is necessary for a judge to attend weddings, funerals, christenings, banquets, barbecues, dances, clam-bakes, holiday celebrations, dedications of buildings, receptions, opening nights, first showings of films, prize-fights, bowling matches, lodge entertainments, church festivals, and every conceivable function given by any group, national, social or religious.' Several of the judges have a reputation for 'handshaking' nearly every night in the week. One judge of fine, simple nature is reported to have been inveigled into making a speech on the educational and moral value of motion pictures at the first showing of a particularly salacious film. The judge, of course, had not seen the picture. Another judge is said to have refereed a prize-fight. In the past the saloon, as the neighborhood center, has been assiduously courted. Three judges of unquestioned character campaigned by visiting the saloons in the different foreign sections of the city, and were presented to long lines of foreign-speaking voters with the aid of an interpreter. No drinks were bought, not a cent was spent, only handshakes were exchanged, yet this was deemed essential campaigning. All three were reelected." The election of judges on a non-partisan ballot has intensified the evil by compelling each judge to build his own machine. The disposition of 1000 felony arrests (p. 236) is curiously like the results of a Grand Jury investigation in San Francisco for the year 1919-20, where of 3,377

persons arrested for felony, only 608 were held to answer, and of these about 100 eventually went to prison.

In regard to newspapers we note the ridiculous "sob sister stuff" which creates an atmosphere in which it is impossible to obtain justice. These conditions, of course, as is pointed out by the writers, are but symptoms of underlying causes. It is the purpose of the survey to analyze these causes and make the proper recommendation. "The requirements for the successful administration of justice are three: sound controlling ideas, sound organization, and sound men." (p. 355.) "It has already been stated that of the fundamental factors requisite for a decent administration of justice the underlying and basic element is a sound tradition of respect for law. The most perfect court system could not function long unless it were supported and sustained by good citizenship." (p. 357.)

The principles covering the specific recommendations are summarized by Dean Pound, "But these immediate measures of relief will not insure a continuously efficient functioning of criminal justice as something permanent, going on automatically after the excitement of the moment has gone down. Perhaps nothing will do so entirely. So far as these things can be insured, we must look to unification of police administration, with undivided authority and responsibility under a director with permanent agencies, with permanent tenure and undivided authority and responsibility; to unification of the courts and organization of judicial business under a responsible administrative head; to unification and organization of administrative agencies of criminal justice under a responsible administrative head with secure tenure; to the incorporation of the bar, with provision for legal education, and, above all, to the taking of the bench out of politics and restoring the common-law independence of the judiciary, preferably by returning to the system of judges appointed for life or good behavior, or, at least, by some of the alternative plans proposed in the report on courts. These things must come slowly. The bar should be thinking of them and studying them, for in the end the convictions of the bar in these matters will be decisive."

The underlying causes lie deep in our civilization but it is evident that the machinery of organization is defective and that this defective machinery is a contributing factor in the lax administration of criminal justice. The part that formal legislative action has to play is in the development of a unified responsible control of criminal justice for new conditions in large cities.

A. M. Kidd.